

UNITED STATES DISTRICT COURT

for the

Western District of Virginia

JUL 10 2008

JOHN F. CORCORAN, CLERK  
BY: *J. Bright*  
DEPUTY CLERK

United States of America )

v. )

Travon Lamont Martin )

Case No: 4:02CR70132-001

USM No: 09694-084

Date of Previous Judgment: July 23, 2003 )

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney

Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion,

IT IS ORDERED that the motion is:

☒ DENIED. ☐ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of \_\_\_\_\_ months is reduced to \_\_\_\_\_.

I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: \_\_\_\_\_

Amended Offense Level: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Criminal History Category: \_\_\_\_\_

Previous Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

Amended Guideline Range: \_\_\_\_\_ to \_\_\_\_\_ months

II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.  
☐ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.  
☐ Other (explain):

III. ADDITIONAL COMMENTS

The defendant is not eligible for a sentence reduction under the 2007 and 2008 amendments to the crack cocaine sentencing guideline, because he was sentenced under the career offender guideline rather than the crack cocaine guideline. Even if he had not qualified as a career offender, he would not have been eligible for a reduction, because his offense level of 12 under the crack cocaine guideline was not affected by the recent amendments.

Except as provided above, all provisions of the judgment dated July 23, 2003 shall remain in effect.

IT IS SO ORDERED.

Order Date: July 9, 2008

Effective Date: July 10, 2008  
(if different from order date)

*James C. Turk*  
Judge's signature

James C. Turk, Senior United States District Judge  
Printed name and title